

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA (Philadelphia)**

IN RE:	:	
MARIA A. JOHNSON	:	BK. No. 18-10251-jkf
Debtor	:	
	:	Chapter No. 13
PNC BANK, NATIONAL ASSOCIATION	:	
Movant	:	
v.	:	
MARIA A. JOHNSON	:	
Respondent	:	11 U.S.C. §362
	:	

**MOTION OF PNC BANK, NATIONAL ASSOCIATION FOR RELIEF FROM AUTOMATIC
STAY UNDER §362 PURSUANT TO BANKRUPTCY PROCEDURE RULE 4001**

Movant, by its attorneys, PHELAN HALLINAN DIAMOND & JONES, LLP, hereby requests a termination of Automatic Stay and leave to foreclose on its mortgage on real property owned by Debtor MARIA A. JOHNSON.

1. Movant is **PNC BANK, NATIONAL ASSOCIATION**.
2. Debtor, MARIA A. JOHNSON is the owner of the premises located at **5135 N 15TH ST, PHILADELPHIA, PA 19141**, hereinafter known as the mortgaged premises.
3. Movant is the holder of a mortgage on the mortgaged premises.
4. Debtor's failure to tender monthly payments in a manner consistent with the terms of the Mortgage and Note result in a lack of adequate protection.
5. Movant instituted foreclosure proceedings on the mortgage because of Debtor's failure to make the monthly payment required hereunder.
6. The foreclosure proceedings were stayed by the filing of the instant Chapter 13 Petition.
7. As of June 11, 2018, Debtor has failed to tender post-petition mortgage payments for the months of April 2018 through June 2018. The monthly payment amount for the months of April 2018 through June 2018 is \$1,000.36, less suspense in the amount of \$35.64, for a total amount due of \$2,965.44. The next payment is due on or before July 1, 2018 in the amount of \$1,000.36. Under the terms of the Note and Mortgage, Debtor has a continuing obligation to remain

8. Movant, **PNC BANK, NATIONAL ASSOCIATION**, requests the Court award reimbursement in the amount of \$1,031.00 for the legal fees and costs associated with this Motion.

9. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.

10. Movant specifically requests permission from the Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law.

11. Movant requests that Federal Rule of Bankruptcy Procedure 3002.1 be waived.

WHEREFORE, Movant respectfully requests that this Court enter an Order;

a. Modifying the Automatic Stay under Section 362 with respect to **5135 N 15TH ST, PHILADELPHIA, PA 19141** (as more fully set forth in the legal description attached to the Mortgage of record granted against the Premises), as to allow Movant, its successors and assignees, to proceed with its rights under the terms of said Mortgage; and

b. Movant specifically requests permission from this Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law; and

c. Waiving Federal Rule of Bankruptcy Procedure 3002.1; and

d. Granting any other relief that this Court deems equitable and just.

/s/ Thomas Song, Esquire
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